

### **REMARKS**

Claims 33-59 are now pending in the application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **SPECIFICATION**

The specification stands objected to for certain informalities. Applicants have furnished the abstract of the disclosure according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 34-38, 40-48, 50-53, and 56-58 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Claims 34-38, as amended, depend on claim 33.

Claims 40-48, as amended, depends on claim 39.

Claims 50-53, as amended, depend on claim 49.

Claims 56-58, as amended depend on claim 55.

Claim 59 is amended as suggested by the examiner.

The preamble of claim 33, as amended, to claim an internet based system configurable to allow a user to select a description of goods/services.

In claim 39 (as amended) the user selects the goods/services.

Claim 49 (amended) includes a display for displaying a plurality of class selection icons.

Claim 54 (amended) is clarified to claim a computer system comprising at least one data processor, at least one memory, and at least one user interface.

Claim 59 (amended) claims a remotely accessible computer system for generating an interactive display capable of receiving instructions for selection of individual goods/services. It is apparatus (a machine).

#### **REJECTION UNDER 35 U.S.C. § 101**

Claim 59 is rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 59 (amended) comprises statutory subject matter, particular a machine according to 35 U.S.C. § 101.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 22 and 39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Berke (U.S. Pat. No. 6,629,092). This rejection is respectfully traversed.

The applicant assumes the objection is raised in relation to claim 33 (not 22) and 39.

Amendment of claims 33 and 39 made to specify that the predetermined list is in accordance with an official classification of goods and services.

The present application aims to overcome the problem of data input of long and complex goods and services descriptions in an online environment which can be subject to browser crashes, line interruptions, and time constraints, and user fatigue and to collect a list of goods and services which is in accordance with a predetermined list, which complies with an official classification system.

This is an entirely different purpose to the Berke disclosure and an entirely different problem is addressed.

In Berke, the invention is concerned with searching the internet to provide a uniform resource locator (URL) for an internet web page, where the search is based on a company's trade mark. An input trade mark is searched against a database of trade marks, and the database finds a list of trade marks of various proprietors along with the goods and services which they supply.

Thus, the search parameter is the mark, and the returned information is one or more similar marks and some goods and services, together with address information of an owner of the mark, and a website to find the service provider (owner of the mark). The overall purpose is to find, locate providers of services according to their trademarks.

This is different to the purpose of the present application, which is concerned with the apparatus and process of inputting data to register a trade mark in which goods and services can be selected from a pre-stored list of goods and services according to a national or international classification system.

**REJECTION UNDER 35 U.S.C. § 103**

Claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Berke in view of TEAS retrieved from the Internet Archive Wayback Machine. This rejection is respectfully traversed.

At the relevant date, the publicly available parts of the TEAS system were at the level of simply asking whether the application had goods and services in more than one class, and did not provide a functionality or teaching of entry of long lists of complex goods and services in correspondence with official classification system.

The Applicant respectfully submits that ex post facto assessment of the prior art with the benefit of today's perfect hindsight, even now does not lead to the claimed features as set out in the current amended claims.

Further, the teaching of Berke contains no hint or suggestion of how to implement collection of goods and/or services data from a user in any form, and certainly not in a form which is efficient for filing a trade mark application, and which is compliant with an official classification system of goods and services.

The Applicant respectfully submits that the relevant date the combination of TEAS and Berke would require inventive activity, and in any case even then would not lead to the claimed combinations of features.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the


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outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

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Respectfully submitted,

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